

Message Text

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C O N F I D E N T I A L PEKING 2119

PASS EA/PRCM

E.O.11652: GDS

TAGS: CVIS, PFOR, CH, US, AS

SUBJECT: SINO-AUSTRALIAN REUNIFICATION OF FAMILIES AGREEMENT

REF: (A) STATE 256328; (B) PEKING 1731

1. USLO HAS OBTAINED A COPY OF REUNIFICATION UNDERSTANDING FROM AUSTRALIAN EMBASSY. COPIES HAVE BEEN POUCHED TO ADDRESSEES WITH COVERING AIRGRAM GIVING BACKGROUND OF NEGOTIATIONS, STATUS OF CURRENT NEGOTIATIONS ON OVERALL SINO-AUSTRALIAN CONSULAR AGREEMENT, AND USLO COMMENTS ON SEVERAL ASPECTS OF REUNIFICATION UNDERSTANDING THAT WOULD CREATE PROBLEMS IN THE EVENT PRC DESIRED TO CONCLUDE AGREEMENT WITH US USING SINO-AUSTRALIAN UNDERSTANDING AS A MODEL. AMONG THE POINTS IN THE SINO-AUSTRALIAN UNDERSTANDING THAT MAY CONFLICT WITH U.S. LAW, REGULATIONS, AND ADMINISTRATIVE NEEDS ARE:

--THE AUSTRALIAN AGREEMENT TO "CLOSE A CASE" IF LOCAL PRC AUTHORITIES REFUSE TO ACCEPT AN INDIVIDUAL'S APPLICATION FOR EXIT PERMIT.

--THE AUSTRALIAN AGREEMENT IN PRIVATE TO EXEMPT SOME CATEGORIES OF IMMIGRANT APPLICANTS FROM INTERVIEW, AND EXPRESS AGREEMENT IN THE UNDERSTANDING TO EXEMPT ALL CATEGORIES OF NIV APPLICANTS FROM INTERVIEW.

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--THE UNDERSTANDING'S STIPULATIONS THAT A "SIMPLIFIED APPLICATION FORM" BE USED, THAT MEDICAL EXAMINATIONS BE TAKEN AT A HOSPITAL NEAR THE APPLICANT'S PLACE OF RESIDENCE, AND THAT ONLY "RELATIVES IN AUSTRALIA" BE NOTIFIED IN THE EVENT THE AUSTRALIAN EMBASSY "DOES NOT ACCEPT AN APPLICATION."

--THE LACK OF ANY PROVISIONS FOR HANDLING THE CASES OF "AUSTRALIAN CITIZENS OF CHINESE DESCENT" WHO ARE RESIDING IN THE PRC AND WHO DESIRE TO LEAVE. THIS IMPLIES THAT INDIVIDUALS IN THIS CATEGORY WILL (1) BE ABLE TO RETURN TO AUSTRALIA ONLY IF THEY HAVE RELATIVES THERE WILLING TO SPONSOR THEM UNDER THE PROCEDURES OUTLINED IN THE UNDERSTANDING, AND (2) THEY DEPART THE PRC AS CHINESE CITIZENS EMIGRATING TO AUSTRALIA RATHER THAN AS AUSTRALIAN CITIZENS RETURNING TO THEIR NATIVE LAND. THIS IS OBVIOUSLY NOT A VIABLE SOLUTION FOR "AMERICAN CITIZENS OF CHINESE DESCENT" NOW RESIDING IN THE PRC WHO MAY DESIRE TO RETURN TO THE UNITED STATES.

--IN ADDITION, THE ARRANGEMENTS FOR ACCREDITING "AN" AUSTRALIAN CONSULAR OFFICIAL TO CONDUCT INTERVIEWS IN CANTON, WHILE PROBABLY ADEQUATE TO HANDLE THE RELATIVELY SMALL NUMBER OF FAMILIES INVOLVED IN THE AUSTRALIAN PROGRAM, ARE CUMBERSOME, UNSUITABLE TO COPE WITH THE LARGE NUMBERS OF POTENTIAL U.S. IMMIGRANT APPLICANTS, AND MAKE NO PROVISION, IN THE ABSENCE OF ESTABLISHING A CONSULATE, FOR INTERVIEWS IN SHANGHAI, WHEN LARGE NUMBERS OF PROSPECTIVE U.S. IMMIGRANT APPLICANTS WOULD BE LOCATED.

2. PLEASE ADVISE IF DEPARTMENT WISHES FULL TEXT OF UNDERSTANDING CABLED.
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